

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Le'Andre Earl,

Plaintiff,

V.

Stephen Hoey, DO, Doctor,

Defendant.

Civil Action No. 1:20-3907-BHH

OPINION AND ORDER

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Shiva V. Hodges, which was made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) for the District of South Carolina. On July 28, 2021, the Magistrate Judge issued her Report recommending that this Court grant Defendant Stephen Hoey, DO, Doctor’s (“Defendant”) motion for summary judgment. (ECF No. 42 at 27.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Plaintiff Le'Andre Earl ("Plaintiff") requested and was granted an extension of time in which to file his objections to the Report, if any. (ECF Nos. 45 & 46.) The Court's Text Order granting Plaintiff's motion for extension of time clarified that objections were due by September 3, 2021, with an additional three (3) days to be added if served by

mail. (ECF No. 46.) Plaintiff filed no objections and the time for doing so expired on September 7, 2021 (September 6 was a federal holiday and the United States District Court was closed). In the absence of objections to the Magistrate Judge's Report, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Defendant's motion for summary judgment should be granted. Accordingly, the Report and Recommendation (ECF No. 42) is ADOPTED, Defendant's motion for summary judgment (ECF No. 22) is GRANTED, and this action is DISMISSED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

September 13, 2021
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.